

ORAL ARGUMENT NOT YET SCHEDULED
**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Environmental Defense Fund, Natural
Resources Defense Council, and Sierra
Club,

Petitioners,

v.

U.S. Environmental Protection Agency
and Michael S. Regan, in his capacity as
Administrator, U.S. Environmental
Protection Agency,

Respondents.

No. 18-1149 (consolidated with
Nos. 21-1033, 21-1039, and 21-
1259)

EPA's Status Report

As ordered by the Court on March 3, 2022, EPA files its status report.

Petitioners seek review of three related actions under the Clean Air Act: (1)

EPA's memorandum "Project Emissions Accounting Under the New Source
Review Preconstruction Permitting Program," 83 Fed. Reg. 13,745 (Mar. 30,

2018); (2) EPA's rule "Prevention of Significant Deterioration (PSD) and

Nonattainment New Source Review (NNSR): Project Emissions Accounting," 85

Fed. Reg. 74,890 (Nov. 24, 2020); and (3) EPA's action "Denial of Petition for

Reconsideration and Administrative Stay: ‘Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting,’” 86 Fed. Reg. 57,585 (Oct. 18, 2021).

EPA has initiated a rulemaking process to review the November 2020 rule and to consider potential revisions to its New Source Review regulations that would address issues raised by some Petitioners in an administrative petition for reconsideration. EPA continues to work that process and its motion to govern is due tomorrow, February 28.

Submitted on February 27, 2023.

/s/ Sue Chen

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Certificate of Service

I certify that on February 27, 2023, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

/s/ Sue Chen

Sue Chen